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SPECIAL CONSTABLE STATUS IN TORONTO

The Transportation Services Committee recommends the adoption of the recommendation contained in the following report dated May 27, 2010, from the Commissioner of Transportation Services.

1. RECOMMENDATION

It is recommended that:

1. Regional Council authorize an amendment to the Joint Services Agreement between the Region and The Regional Municipality of York Police Services Board to extend the jurisdiction of York Region Transit Special Constables to the City of Toronto.

2. PURPOSE

This report updates Regional Council on the status of appointments within the City of Toronto for York Region Transit Special Constables and seeks authorization to amend the Joint Services Agreement to reflect the extended jurisdiction of the special constables.

3. BACKGROUND

At the November 2007 Regional Council meeting, staff were authorized to begin the necessary steps to obtain Special Constable appointments within the City of Toronto

At its meeting on November 15, 2007, Regional Council adopted a report recommending that staff pursue the necessary steps to ensure the Region's transit by-law could be enforced within the City of Toronto. Seven recommendations were approved by Council as follows:

1. The City of Toronto be requested to consent to the enforcement of By-law R-1415-2005-028 by York Region Transit enforcement staff within the jurisdictional boundary of the City of Toronto.
2. The Region enter into an agreement with the City of Toronto, if required, for the enforcement of the By-law, on terms satisfactory to the General Manager, Transit.
3. Regional staff be authorized to request the Toronto Police Services Board to appoint York Region's Special Constables as Special Constables within the City of Toronto.

4. The Region enter into an agreement with the Toronto Police Services Board governing the powers and duties of Special Constables within the boundaries of the City.
5. The Regional Chair and Regional Clerk be authorized to sign the agreements with the City of Toronto and the Toronto Police Services Board, respectively, subject to approval by Legal Services.
6. The Regional Solicitor review and amend the Transit By-law, if necessary, to ensure enforceability within the City.
7. The Regional Clerk forward this report to the City of Toronto and the Toronto Police Services Board for appropriate action.

A copy of the report was forwarded to the City of Toronto and the Toronto Police Services Board in early 2008 for review as indicated in Recommendation 7.

4. ANALYSIS AND OPTIONS

Staff have worked with the City of Toronto and Toronto Police Services Board to implement the recommendations approved by Council

By letter dated June 24, 2008 Toronto Police Services Board requested the Region to supply a business case for review before consideration would be given to appointing the special constables within the City of Toronto. Meanwhile, Regional staff were advised by City of Toronto Legal Services that a formal consent from the City would not be required for enforcement of the by-law, and that the Region could proceed to enforce the by-law under its general jurisdiction to operate a transit service beyond its geographic boundary. Accordingly, Recommendations 1 and 2 were not pursued.

At the September 2008 Regional Council meeting, By-law R-1415-2005-028 was amended to clarify that the by-law extended to the geographic area of the City of Toronto, thereby satisfying Recommendation 6.

In April 2009, The Regional Municipality of York Police Services Board sought approval from the Ministry of Community Safety and Correctional Services to amend the appointment of special constables to include jurisdiction within the City of Toronto. The Ministry responded in a letter dated June 12, 2009, advising the Region to commence discussions with the Toronto Police Services Board to develop a protocol for the performance of their duties within the City.

On December 22, 2009, Toronto Police and York Regional Police executed a Memorandum of Understanding, setting out terms upon which YRT/Viva Special

Constables shall be empowered to enforce the Transit By-law within the City of Toronto. This satisfied Recommendations 3, 4 and 5 of the report.

The Regional Municipality of York Police Services Board approved the amendment to the Special Constable appointments

At its meeting on January 27, 2010, The Regional Municipality of York Police Services Board approved the amendment of the appointments of York Region Transit (YRT/Viva) Special Constables to include the geographic jurisdiction of the City of Toronto. A letter was sent to the Ministry on February 10, 2010, from the Board requesting confirmation of the Ministry's approval for the amendment.

The Ministry provided confirmation in early March 2010 and staff, in conjunction with York Regional Police, commenced amending the YRT/Viva Special Constable appointments for submission to the Ministry for final approval.

At its meeting on April 21, 2010, The Regional Municipality of York Police Services Board authorized the amendment of the Joint Services Agreement with the Region. The amendment adds the jurisdiction of the City of Toronto for York Region Transit Special Constables.

The amended appointments were executed by the Ministry on May 2, 2010. YRT/Viva Special Constables began full enforcement of the Transit By-law throughout the entire service area on this date.

The Regional Municipality of York Police Services Board will now be the appointing authority for the jurisdictions of The Regional Municipality of York and the City of Toronto for YRT/Viva Special Constables.

5. FINANCIAL IMPLICATIONS

Increased revenue protection on YRT/Viva services in the City of Toronto will assist in reducing fare evasion

There will be no additional net operating costs to enforce Regional By-law R-1415-2005-028, as amended by By-law 2009-36, within the City of Toronto boundaries.

6. LOCAL MUNICIPAL IMPACT

Uniformed YRT/Viva Special Constables travelling on YRT/Viva services improve customer security on vehicles, routes and stations such as Don Mills Subway station, Downsview Subway Station, Finch GO bus terminal and York University terminal, located within the City of Toronto.

7. CONCLUSION

The amendment of the YRT/Viva Special Constable appointments to include the jurisdiction of the City of Toronto will allow for the full enforcement capabilities of the Regional Transit By-law. This will include both fare enforcement and conduct on all YRT/Viva vehicles and at facilities within the City of Toronto.

For more information on this report, please contact Angelo Apfelbaum, Manager, Transit Enforcement and Security at Ext. 5766.

The Senior Management Group has reviewed this report.